

BRC CLIENT DATA PRIVACY POLICY

What this Policy Covers

1. This document describes the privacy policy and practices of BRC service programs. Our main office is at 131 W. 25th St., New York, NY 10001.
2. This policy covers the collection, use, and maintenance of protected personal information for clients of BRC, as an organization affiliated with the NYC Coalition on the Continuum of Care (CCoC).
3. Personally Identifiable Information/ Protected Identifying Information (PII) is any personal information we maintain about a client that:
 - a. allows identification of an individual directly or indirectly;
 - b. can be manipulated by a reasonably foreseeable method to identify a specific individual; or
 - c. can be linked with other available information to identify a specific client.
4. This policy is intended to be consistent with the US Department of Housing and Urban Development issued standards for Homeless Management Information Systems (HMIS). See 69 Federal Register 45888 (July 30, 2004).
5. This policy informs our clients, our staff, and others how we process personal information. We follow the policy and practices described in this privacy policy.
6. We may amend our policy or practices at any time. Amendments may affect PII that we obtained before the effective date of the amendment.
7. We give a written copy of this privacy policy to any individual who asks for it.
8. We maintain a copy of this policy on our website at <http://www.brc.org/>

How and Why We Collect PII

1. We collect PII only when appropriate to provide services or for another specific purpose of our organization or when required by law. We may collect information for these purposes:
 - a. to provide individual case management;
 - b. to produce aggregate-level reports regarding use of services;
 - c. to track individual project-level outcomes;
 - d. to identify unfilled service needs and plan for the provision of new services;
 - e. to conduct research for consulting and/or educational purposes; and
 - f. to accomplish any and all other purposes deemed appropriate by the CCoC.
2. We only use lawful and fair means to collect PII.

3. We normally collect with the knowledge or consent of our clients. If clients seek our assistance and provide us with PII, we assume that they consent to the collection of information described in this policy.
4. We share this data with the NYC Department of Homeless Services, Planning, Development & Grants unit: the agency appointed by the CCoC to manage all PII we record about our clients. This agency is required to maintain the confidentiality of the data and has a privacy policy that is available to the public at this website:
<http://www.nyc.gov/portal/site/nycgov/menuitem.b52b1c491d03e607a62fa24601c789a0/>
5. We post a sign at our intake desk or other location explaining the reasons we ask for PII. The sign says:

We collect personal information about individuals receiving services at BRC in our case management databases. We may be required to collect some personal information by law or by organizations that fund this program. The information that we collect is important to run our programs, to improve services for homeless individuals, and to better understand the needs of homeless individuals. If you have any questions or would like to see our privacy policy, our staff will provide you with a copy.

How We Use and Disclose PII

1. We use or disclose PII for activities described in this part of the policy. We may or may not make any of these uses or disclosures of client PII. We assume that clients consent to the use or disclosure of their PII for the purposes described below and for other uses and disclosures that we determine to be compatible with these uses or disclosures:
 - a. to provide or coordinate services to individuals;
 - b. for functions related to payment or reimbursement for services;
 - c. to carry out administrative functions such as legal, audits, personnel, oversight and management functions;
 - d. to create de-identified (anonymous) information;
 - e. when required by law to the extent that use or disclosure complies with and is limited to the requirements of the law;
 - f. to avert a serious threat to health or safety if:
 - i. we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public; and
 - ii. the use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat.
 - g. to report about an individual we reasonably believe to be a victim of abuse, neglect or domestic violence to a governmental authority (including a social service or protective services agency) authorized by law to receive reports of abuse, neglect or domestic violence in any of the following three circumstances:

- i. where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law;
- ii. if the individual agrees to the disclosure; or
- iii. to the extent that the disclosure is expressly authorized by statute or regulation and either of the following are applicable:
 - A. we believe the disclosure is necessary to prevent serious harm to the individual or other potential victims; or
 - B. if the individual is unable to agree because of incapacity, a law enforcement or other public official authorized to receive the report represents that the PII for which disclosure is sought is not intended to be used against the individual and that an immediate enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure;

When we make a permitted disclosure about a victim of abuse neglect or domestic violence, we will promptly inform the individual who is the victim that a disclosure has been or will be made, except if:

- i. we, in the exercise of professional judgment, believe informing the individual would place the individual at risk of serious harm; or
 - ii. we would be informing a personal representative (such as a family member or friend), and we reasonably believe the personal representative is responsible for the abuse, neglect or other injury, and that informing the personal representative would not be in the best interests of the individual as we determine in the exercise of our professional judgment.
- h. to a law enforcement official for a law enforcement purpose (if consistent with applicable law and standards of ethical conduct) under any of these circumstances:
- i. in response to a lawful court order, court-ordered warrant, subpoena or summons issued by a judicial officer, or a grand jury subpoena;
 - ii. if the law enforcement official makes a written request for PII that:
 - A. is signed by a supervisory official of the law enforcement agency seeking the PII;
 - B. states that the information is relevant and material to a legitimate law enforcement investigation;
 - C. identifies the PII sought;
 - D. is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and
 - E. states that de-identified information could not be used to accomplish the purpose of the disclosure.
 - iii. if we believe in good faith that the PII constitutes evidence of criminal conduct that occurred on our premises;
 - iv. in response to an oral request for the purpose of identifying or locating a suspect, fugitive, material witness or missing person and the PII disclosed

consists only of name, address, date of birth, place of birth, social security number and distinguishing physical characteristics; or

- v. if:
 - A. the official is an authorized federal official seeking PII for the provision of protective services to the President or other persons authorized by 18 U.S.C. 3056, or to foreign heads of state or other persons authorized by 22 U.S.C. 2709(a)(3), or for the conduct of investigations authorized by 18 U.S.C. 871 and 879 (threats against the President and others); and
 - B. the information requested is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought.
- i. to comply with government reporting obligations for HMIS and for oversight of compliance with HMIS requirements.
- j. to third parties for the following purposes:
 - i. to permit other systems of care to conduct data matches (i.e., to determine if clients are also utilizing services from such other systems of care); and
 - ii. to permit third party research firms and/or evaluators to perform research and evaluation services in connection with the programs administered by the CCoC and the other agencies;

provided that before PII is disclosed under this subsection, the third party that will receive such PII and use it as permitted above must first execute a Data Use & Disclosure Agreement requiring such third party to comply with all applicable laws and regulations, including the privacy standards and disclosure provisions contained in the Department of Housing and Urban Development Homeless Management Information Systems; Data and Technical Standards Final Notice (see 69 Federal Register 45888 (July 30, 2004)), which such standards and provisions are reflected herein.

- 2. Before we make any use or disclosure of clients' PII that is not described here, we seek their consent first.

How to Inspect and Correct PII

- 1. Clients may inspect and have a copy of their PII that we maintain. We will offer to explain any information that they may not understand.
- 2. We will consider a request from clients for correction of inaccurate or incomplete PII that we maintain about them. If we agree that the information is inaccurate or incomplete, we may delete it or we may choose to mark it as inaccurate or incomplete and to supplement it with additional information.
- 3. We may deny clients' requests for inspection or copying of PII if:
 - a. the information was compiled in reasonable anticipation of litigation or comparable proceedings;

- b. the information is about another individual (other than a health care provider or homeless provider);
 - c. the information was obtained under a promise of confidentiality (other than a promise from a health care provider or homeless provider) and if the disclosure would reveal the source of the information; or
 - d. disclosure of the information would be reasonably likely to endanger the life or physical safety of any individual.
4. If we deny a request for access or correction, we will explain the reason for the denial. We will also include, as part of the PII that we maintain, documentation of the request and the reason for the denial.
5. We may reject repeated or harassing requests for access to or correction of PII.

Data Retention

1. We collect only PII that is relevant to the purposes for which we plan to use it. To the extent necessary for those purposes, we seek to maintain only PII that is accurate, complete and timely.
2. We will dispose of paper copy PII not in current use seven years after the information was created or last changed. As an alternative to disposal, we may choose to remove identifiers from the PII. Paper records are disposed of by being crosscut shredded or pulverized to protect client information.
3. We may keep information for a longer period if required to do so by an applicable statute, regulation, contract or other requirement.

Complaints and Accountability

1. We accept and consider questions or complaints about our privacy and security policies and practices. Clients may submit questions or complaints to the program director.
2. All members of our staff (including employees, volunteers, affiliates, contractors and associates) are required to comply with this privacy policy. Each staff member must receive and acknowledge receipt of a copy of this privacy policy.
3. In the event that clients' questions or complaints are not sufficiently addressed through this organization, clients may take their concerns to the Grievance Committee of the CCoC. Individuals will submit grievances in writing to the co-chairs. The co-chairs will pass the grievance to the Grievance Committee, which will review it and make a recommendation back to the co-chairs. The co-chairs will make the final decision about the outcome and notify the clients submitting the grievance. More information about this Committee can be found at www.NYCHomeless.com.